

Decision 03-01-023 January 16, 2003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Oakdale to construct one grade separation crossing of the Burlington Northern and Santa Fe Railroad Company at the proposed Willowood Drive Crossing, City of Oakdale, California.

Application 00-05-007
(Filed May 8, 2000)

O P I N I O N

Summary

The City of Oakdale (City) requests authority to construct a grade-separated highway-rail crossing (crossing) at the track and right-of-way of the Burlington Northern Santa Fe Railway Company (BNSF) at the extension of Willowood Drive in Oakdale, Stanislaus County. The new crossing will be located between California Public Utilities Commission (CPUC) Crossing Nos. 002J-3.80 and 002J-5.00. It will be identified as CPUC Crossing No. 002J-4.60-B. A map of the general project vicinity is set forth in Appendix A.

Discussion

The new crossing will allow traffic to travel beneath the existing railway at the extension of Willowood Drive in the City. BNSF will build the new structure that will be a triple-span concrete and steel bridge. The area to be served by the proposed crossing is the southwest area of the City's General Plan Area. In conjunction with the City's General Plan, the Bridle Ridge Specific Plan guides this project. The Bridle Ridge Specific Plan represents an 8-year effort to create a

plan that will guide the orderly future growth and development of approximately 530 acres in an unincorporated area immediately southwest of the City. The vast majority of the planned area will be marketed as a new home community to be known as Bridle Ridge. Willowood Drive is a planned north/south collector street identified in the Bridle Ridge Specific Plan. This crossing will be approximately in the middle of the new Bridle Ridge community. This new community will cause a large increase in the number of vehicles in the surrounding area. The new crossing will be needed to ease congestion and facilitate the smooth flow of traffic in the Bridle Ridge residential area. The Oakdale City Council's Resolution No. 99-10 recognized the necessity of this crossing and approved its construction.

The City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code 21000 et seq. In January 1999, the City prepared and approved the Bridle Ridge Specific Plan Mitigated Negative Declaration (including the Mitigation Monitoring Plan), in accordance with CEQA, that assesses the potential environmental impacts of building the new Bridle Ridge community (of which the proposed crossing will be a part). On February 22, 1999, in compliance with CEQA, the City filed its Notice of Determination approving the Bridle Ridge Specific Plan. In approving this plan, the City found that the Bridle Ridge Specific Plan project would not have a significant effect on the environment when mitigation measures are incorporated.

The CPUC is a responsible agency for this project under CEQA. CEQA requires that the CPUC consider the environmental consequences of a project that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's EIR or Negative

Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities, which must be conducted by a responsible agency, are contained in CEQA Guideline Section 15096.

The CPUC has reviewed the City's' Bridle Ridge Specific Plan Mitigated Negative Declaration for the Bridle Ridge Specific Plan project. Safety and security, traffic (transportation), and noise are within the scope of the CPUC's permitting process. The City's Bridle Ridge Specific Plan Mitigated Negative Declaration did not identify any potential impacts related to the safety and security of the project area.

The Bridle Ridge Specific Plan Mitigated Negative Declaration stated that noise impacts would not have a significant effect on the environment after mitigation measures are implemented for this project. Some of the noise mitigation measures for areas near the proposed crossing involve the construction of fences, the installation of sound-rated windows for homes, and a requirement for all deeds to have a disclosure that states "an operating train line exists within the project area and that whistles will be sounded continuously within ¼-mile of the Crane Road Crossing." With respect to transportation impacts, the City-states in the same environmental documentation noted above that local streets affected by the proposed project will be widened for turning movements and signalized near appropriate interchanges to accommodate additional traffic. The CPUC finds that through its environmental documentation, the City has adopted feasible mitigation measures to either eliminate or substantially lessen noise and transportation impacts. The CPUC adopts the mitigation measures as described in the referenced Mitigated Negative Declaration for the purposes of our approval.

Application 00-05-007 meets the filing requirements of the CPUC's Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public highway across a railroad.

In Resolution ALJ 176-3039 dated May 18, 2000, the CPUC preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. A protest filed by BNSF on May 26, 2000 was withdrawn on April 22, 2002. The City filed an amendment on July 31, 2002. This amendment amended the original application that required a steel arch culvert bridge construction built by the applicant, to a triple span concrete and steel bridge structure designed and built by BNSF.

The CPUC's Consumer Protection and Safety Division, Rail Crossings Engineering Section (RCES) inspected the site of the proposed project. After reviewing the need for and safety of the proposed crossing, RCES recommends that the requested authority sought by the City be granted for a period of three years. A public hearing is not necessary and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3039.

This is now an uncontested matter for which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comments is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the CPUC's Daily Calendar on May 11, 2000. An initial protest by BNSF filed on May 26, 2000 was withdrawn on April 22, 2002.

2. The City requests authority, under Public Utilities Code Sections 1201-1205, to construct a crossing at the track and right-of-way of the BNSF at the extension of Willowood Drive in the City of Oakdale, Stanislaus County. This crossing will be identified as CPUC Crossing No. 002J-4.60-B.

3. Public convenience, safety, and necessity require the construction of the proposed crossing.

4. City is the lead agency for this project under CEQA, as amended.

5. The CPUC is a responsible agency for this project, and has reviewed and considered the City's environmental documentation specified in this decision.

6. In January 1999, the City prepared and approved the Bridle Ridge Specific Plan Mitigated Negative Declaration (including the Mitigation Monitoring Plan) of which the proposed crossing is a part.

7. Safety and security, transportation, and noise are within the scope of the CPUC's permitting process.

8. The City's environmental documentation did not identify any potential environmental impacts from the project related to safety or security.

9. The CPUC finds that, for impacts related to transportation or noise, the City's environmental documentation adopted feasible mitigation measures to either eliminate or substantially lessen those impacts. The CPUC adopts the mitigation measures required by the City's environmental documentation for the purposes of our approval.

Conclusions of Law

1. The application is no longer contested and a public hearing is not necessary.

2. The application should be granted as set forth in the following order:

O R D E R

IT IS ORDERED that:

1. The City of Oakdale (City) is authorized to construct a grade-separated highway-rail crossing (crossing) at the extension of Willowood Drive at the track and right-of-way of the Burlington Northern Santa Fe Railway Company (BNSF) in Oakdale, Stanislaus County. The crossing will be identified as California Public Utilities Commission (CPUC) Crossing No. 002J-4.60-B, Willowood Drive.
2. Clearances shall be in accordance with the CPUC General Order (GO) 26-D.
3. Walkways shall conform to GO 118. Walkways adjacent to any tracks subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.
4. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between the City and BNSF (parties). A copy of the agreement shall be filed with the Rail Crossings Engineering Section (RCES) of the CPUC's Consumer Protection and Safety Division prior to construction. Should the parties fail to agree, the CPUC will apportion the costs of construction and maintenance by further order.
5. Prior to construction, the City shall file with RCES final construction plans approved by BNSF.
6. Within 30 days after completion of the work under this order, BNSF shall notify RCES in writing, by submitting a completed standard CPUC Form G (Report of Changes at Highway Grade Crossings and Separations) that the authorized work was completed.

7. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

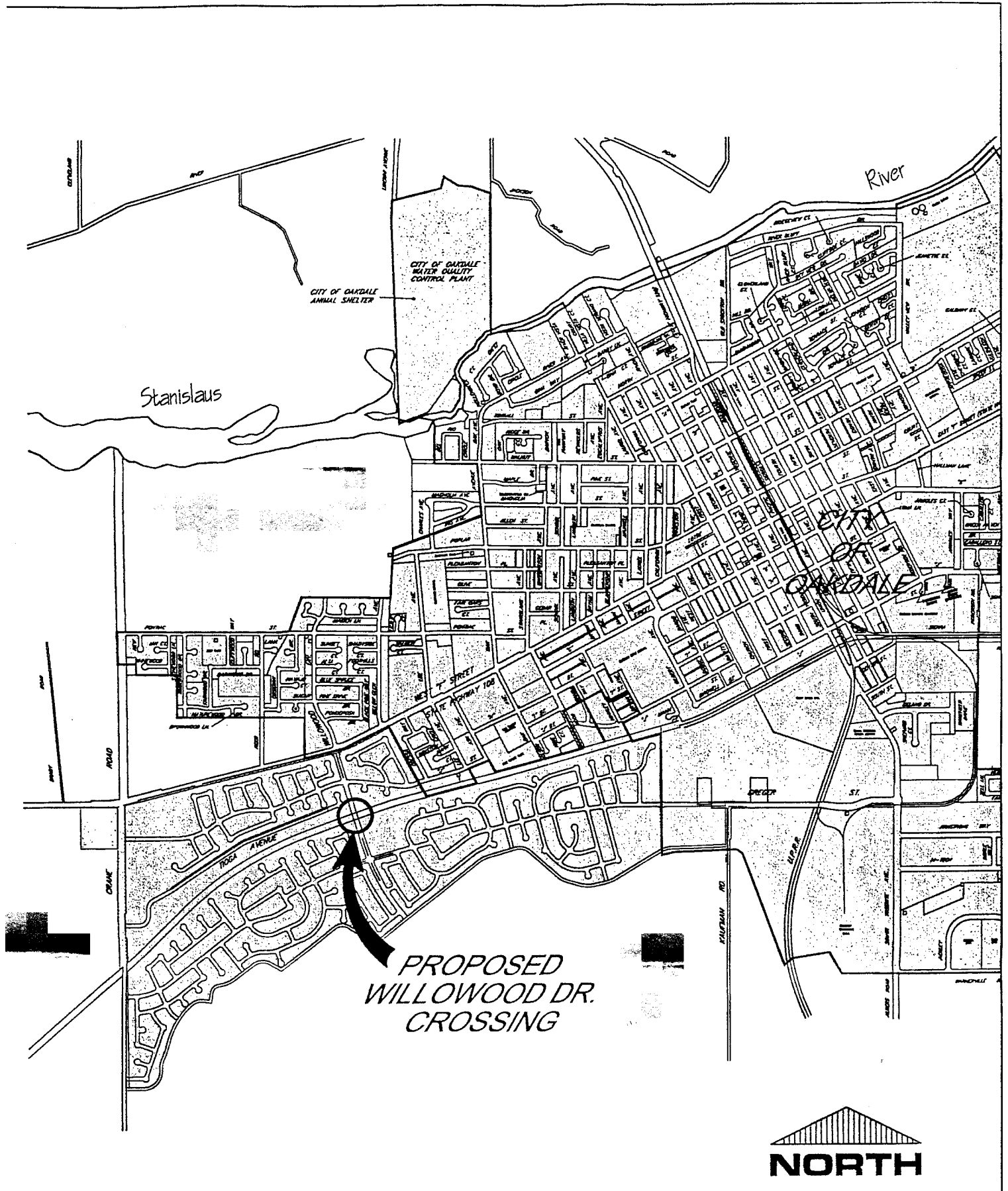
8. This application is granted as set forth above.

9. Application 00-05-007 is closed.

This order becomes effective 30 days from today.

Dated January 16, 2003, at San Francisco, California.

MICHAEL R. PEEVEY
President
CARL W. WOOD
LORETTA M. LYNCH
GEOFFREY F. BROWN
SUSAN P. KENNEDY
Commissioners



Drawn JF/RC

Date 12/11/98

Scale N.T.S.

VICINITY MAP

mid-valley
engineering

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SHEET